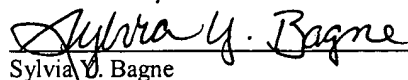




PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 27, 2004..


Sylvia U. Bagne

Appl No. : 10/716,759 Confirmation No. 6184
Applicant : Bennie E. Lucas, et al.
Filed : November 18, 2003
Title : INTEGRATED CIRCUIT AND MAGNETIC STRIPE READER
TC/A.U. : 2876
Examiner : Not Yet Assigned
Docket No. : 51511/DJB/M743
Customer No. : 23363

**PETITION UNDER 37 CFR § 1.47 TO ACCEPT DECLARATION
ON BEHALF OF UNAVAILABLE INVENTOR**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

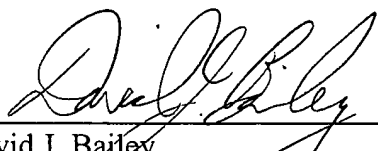
Post Office Box 7068
Pasadena, CA 91109-7068
September 27, 2004

Commissioner:

The following is a petition under 37 C.F.R. § 1.47 to accept a declaration signed on behalf of Mr. Bennie E. Lucas, who is unavailable. The petition is accompanied by a statement of facts, which Applicants believe establish the unavailability of Mr. Bennie E. Lucas. Applicants also enclose a declaration signed by all of the inventors except Mr. Bennie E. Lucas and the fee specified in 37 CFR § 1.17(h).

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
David J. Bailey
Limited Recognition Under 37 CFR § 10.9(b)
626/795-9900



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Sylvia Y. Bagne
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Examiner : Not Yet Assigned
Docket No. : 51511/DJB/M743
Customer No. : 23363

STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 CFR § 1.47

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
September 27, 2004

Commissioner:

The statement of facts presented in this document supports the petition made under 37 C.F.R. § 1.47 to accept a declaration signed on behalf of Mr. Bennie E. Lucas, who is unavailable. This statement outlines the exact facts that establish that a diligent effort was made to locate the non-signing inventor in accordance with the requirements of 37 C.F.R. § 1.47. Firsthand knowledge of the facts presented below is possessed by Ms. Sylvia Y. Bagne, Mr. David J. Bailey, and/or Mr. George R. Steele. The facts are as follows:

1. On November 18, 2003, the above identified non-provisional patent application was filed, which claimed priority from the non-provisional patent application no. 10/383,393, filed March 7, 2003. The non-provisional patent application was filed with an unexecuted declaration and power of attorney and without submitting an assignment document for recordation.

2. On or about March 1, 2004, a Notice of Missing Parts of Non-provisional Application dated February 26, 2004, was received by the law offices of Christie, Parker & Hale, LLP (see Exhibit 1). Mr. David J. Bailey thereafter forwarded the Notice to Missing Parts and a Declaration and Power of Attorney (Exhibit 2) and an Assignment document (Exhibit 3) to Mr. George R. Steele at MAG-TEK, INC. The letter accompanying these documents (Exhibit 4) communicated to him the necessity of obtaining signatures of the joint inventors on the Declaration and Power of Attorney and obtaining an Assignment of the invention from the inventors to their employer, MAG-TEK, INC.

3. The last known address Mr. Bennie E. Lucas was 5014 Los Coyotes Dia., #3, Long Beach, California 90815. Mr. Bennie E. Lucas' telephone number at this address was (562) 498 0705.

4. Initially, Mr. George R. Steele sent a letter to Mr. Bennie E. Lucas' address and received no response. Mr. George R. Steele called Mr. Bennie E. Lucas' telephone number and received a message that his telephone number was no longer in service.

5. On or about July 8, 2004, Mr. David J. Bailey mailed a reminder letter to Mr. George R. Steele informing him that the due date to file missing parts was April 26, 2004, and that the statutory deadline is September 26, 2004.

6. To verify that Mr. Bennie E. Lucas was no longer at the 5014 Los Coyotes Diagonal #3, Long Beach, CA 90815 address, on or about July 14 Mr. George R. Steele sent a letter via registered mail to Mr. Bennie E. Lucas at this address. The letter was returned by the U.S. Postal Service (see Exhibit 5).


7. On or about July 20, 2004, Ms. Sylvia Y. Bagne of Christie, Parker & Hale, LLP conducted an internet search for Mr. Bennie E. Lucas (results attached as Exhibit 6), and found an address close to the proximity of his prior address. Ms. Sylvia Y. Bagne telephoned Mr. George R. Steele to advise him of this information and Mr. George R. Steele informed Ms. Sylvia Y. Bagne that he would check the address.


8. On or about August 5, 2004, Mr. George R. Steele telephoned the Mr. Bennie Lucas listed in Cerritos, California and discovered that the address was not that of Mr. Bennie E. Lucas.

Appln No. 10/716,759

9. On or about September 24, 2004, Ms. Sylvia Y. Bagne contacted the Mr. Bennie Lucas listed in San Francisco, California. He is not Mr. Bennie E. Lucas.

The undersigned declare that the statements relating to them made herein are true and made on the basis of firsthand knowledge. In addition, the undersigned declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Ms. Sylvia Y. Bagne


Mr. David J. Bailey


Mr. George R. Steele

DJB/syb

Enclosures:

- Exhibit 1 - Notice to File Missing Parts of Nonprovisional Application;
- Exhibit 2 - Oath or Declaration and Power of Attorney;
- Exhibit 3 - Assignment;
- Exhibit 4 - Letter dated July 8, 2004;
- Exhibit 5 - Envelope date stamped July 14, 2004; and
- Exhibit 6 - Internet Search Results

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UNITED STATES DEPARTMENT OF COMMERCE
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 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/716,759	11/18/2003	Bennie E. Lucas	51511/DJB/M743

23363
 CHRISTIE, PARKER & HALE, LLP
 350 WEST COLORADO BOULEVARD
 SUITE 500
 PASADENA, CA 91105



CONFIRMATION NO. 6184

FORMALITIES LETTER



OC000000011963236

Date Mailed: 02/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

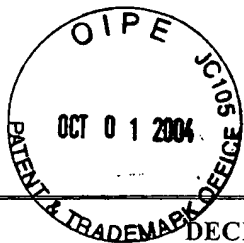
*A copy of this notice **MUST** be returned with the reply.*

AG

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Rev. 11/00

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

PATENT

Docket No. : 51511/DJB/M743

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled INTEGRATED CIRCUIT AND MAGNETIC STRIP READER, the specification of which is attached hereto unless the following is checked:

_____ was filed on ____ as United States Application Number or PCT International Application Number and was amended on ____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of the foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>Application Number</u>	<u>Country</u>	<u>Filing Date (day/month/year)</u>	<u>Priority Claimed</u>
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>Application Number</u>	<u>Filing Date</u>
---------------------------	--------------------

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Patented/Pending/Abandoned</u>
10/383,393	03/07/2003	Pending